

Minutes of the Veneta City Council

June 27, 2005

Council

Present: Mayor Tim Brooker, Darrell Carman, Thomas Cotter, and Marion Esty

Absent:

Fred Miller

Others:

Ric Ingham, City Administrator; Sheryl Hackett, City Recorder; Margaret Boutell, Community Services Director; Mark Stephens, Building & Planning Official; Jerry Elliott, City Engineer; Tom Boyatt, ODOT; John Lowe, CH2M Hill; James Dean, Jim Bruvold, James Eagle Eye, Veneta Planning Commission; and Josh Palmer, West Lane News

Mayor Brooker called the Veneta City Council to order at 7:12 p.m.

1. **PUBLIC COMMENT**

2. **CONSENT AGENDA**

MOTION: Thomas Cotter made a motion to approve the consent agenda as presented. Marion Esty seconded the motion.

Vote: Marion Esty, aye; Thomas Cotter, aye; Mayor Brooker, aye; and Darrell Carman, aye

The consent agenda as approved included pages 1- 9 of the Minutes for the June 6, 2005 joint meeting with the Veneta Planning Commission, minutes for June 13, 2005, bills paid and payable for May/June 2005, and the Civic Calendar for July 2005.

3. **Hwy 126 CORRIDOR SAFETY PRESENTATION**

Mayor Brooker said he sat on the committee for the Hwy 126 Corridor Safety project and was very impressed with some of the ideas that can be implemented to increase the safety of Hwy 126 without costing a lot of money. Mayor Brooker introduced Tom Boyatt who does long range planning for ODOT.

Mr. Boyatt made a presentation to the Council on the Hwy 126 Corridor Safety project. He said the project came as a result of concerns expressed by the public about the safety of Hwy 126 and the impact the Three Rivers Casino in Florence would have on that highway. He said a study team was formed with a very diverse group of people. Current conditions were analyzed and the biggest problem areas were identified. The financial and environmental constraints forced the team to look at more practical alternatives than adding lanes. He said that proved to be beneficial because they came up with more efficient and cost effective ways to address some of the problems. He said the unique methods for improving highway safety that came out of the study have generated interest within ODOT. He said the result has been a more pro-active approach with putting safety measures in place quickly and as inexpensively as possible. The project has received some funding to install raised pavement markings from the Territorial intersection west for a distance of about 12 miles.

Tom Boyatt introduced John Lowe from CH2M Hill Company that was hired to help with the project. Mr. Lowe said the study area included the 52.5 mile section of Hwy 126 between US 101 in Florence and Greenhill Road east of Veneta. Crash data from 1998 to 2002 was analyzed by location, number, and severity. It was surprising to learn that the majority of accidents happened during clear weather when the pavement was dry. They generally found that most accidents were a result of driver behavior rather than physical problems with the highway. The group focused mostly on what type of structural changes could be made to make the highway safer and funding was a major factor. The law enforcement agencies involved in the study said a contributing factor to the crash rate is their very limited staff which has reduced the visibility of patrol cars out on the road which tends to slow traffic. The lack of places to pull cars over is also a contributing factor. One of the mitigation measures the group came up with is to add some pull-out areas for stopping vehicles and some launch areas where patrol cars can be parked to monitor traffic. Three factors were identified to increase traffic safety, education, enforcement, and engineering.

The project team established a priority for mitigation measures that can be taken for the areas identified as having the highest number of accidents. For the most part, mitigation measures with the lower costs were given a higher priority. Enhanced warning signs have already been placed near curves and passing lanes. Other recommendations are to add solid striping to prohibit passing in some of the problem areas, install rumble strips or raised pavement markers on the fog lines, trim brush away from the highway, and post bridge markers.

Jim Bruvold said he would like to see flashing overhead lights at the Hwy 126 intersections at 8th Street in Veneta and Fisher Road east of Veneta.

Darrell Carman said radar reader-boards that are temporarily placed along a roadway are very effective in slowing traffic.

Mayor Brooker said he is surprised at some of the low cost solutions for improving the highway safety. He said he felt the project has been very successful.

Mayor Brooker called for a five minute break and temporarily adjourned the City Council at 8:00 p.m. He called the Council back to order at 8:05 p.m.

4. DEPARTMENT REPORTS

- a. FROM MAYOR/COUNCILORS
- b. COUNCIL/COMMITTEE LIAISONS

Marion Esty (Region 2050) - Marion said Veneta is being looked at as being very successful in its participation in the Region 2050 project. She said other cities were very impressed that Veneta had 70 citizens show up for the open house.

Thomas Cotter (Chamber) - The Chamber is still in the process of reorganization. Mayor Brooker asked Tom to check with the Chamber on behalf of VFW. He said their membership check has not been cashed.

Mayor Brooker said representatives of the cities and county will be meeting to

~~discuss~~ the future funding of the Lane County public safety services. Mayor Brooker said he wants to make sure that any funding source that is found will guarantee the rural areas get the same response as the urban areas get. He said the Mayors of other rural cities have expressed the same concern.

Darrell Carman (LCOG) - Darrell said he attended the LCOG meeting last Thursday and heard a presentation on economic development planning for the region. He said he was very surprised to learn that tax incentives are low on the priority list for businesses to locate in an area. The things of highest priority are (1) available land, (2) transportation resources, and (3) available work force. He said he was also surprised to learn that the State is in need of vacant lands that are 30 acres or larger in size. Ric said the City is in a good position by having three undeveloped 30 acre parcels of land in the Northeast Employment Center that are contiguous to each other.

5. STAFF REPORTS

a. CITY ENGINEER

- (1) Award of bid for Inflow & Infiltration work and Authorization for Expenditure

City Engineer Jerry Elliott asked the City Council to authorize awarding the I&I bid to the low bidder and with a 10% contingency. He said the bids were relatively competitive but about 10% more than estimated last February. He said the sewer lateral near Territorial Court was pulled out of the project because it was discovered that the lateral was impacted by roots that need to be cut out by a special contractor. Jerry said a change order will be done to rehabilitate that lateral.

MOTION: Thomas Cotter made a motion to approve the bid with project costs not to exceed the budgeted amount for I & I work. Darrell Carman seconded the motion.

Discussion: In response to a question from Darrell Carman, Jerry Elliott said the Construction Period Services are for City engineering services which are explained in a separate memorandum attached to the request for awarding the bid.

Vote: The motion passed with a vote of 4-0.

Mayor Brooker introduced Mark Stephens who has been hired as the City's new planner.

b. COMMUNITY SERVICES DIRECTOR

- (1) Process for updating Land Use Planning fees

Margaret Boutell said the Planning Commission has suggested that the Council consider increasing its land use application fees to better cover the City's costs of processing applications. During the 2004-05 fiscal year, staff has found that the City is only recovering about 21% of its costs for personnel. That does not include any of the overhead expenses. She said

~~most cities~~ do not recover 100% of the costs because planning benefits the entire city, not just the developers. However, most cities try to recover at least 50% of the costs. She provided the Council with a memorandum that included estimates of what the current processing costs are and a scope of work describing a process for analyzing and proposing increased fees. In addition, the Planning Commission has recommended charging a pre-development conference fee to cover the cost of the staff and engineer involved.

Marion Esty said she feels the costs should be comparable to other cities in the area but also take into consideration the issues that each has to deal with, such as wetlands.

Margaret said the analysis would include a comparison with other cities and part of the decision the Council makes will be a political one based on how much they feel the developers are willing to pay.

Margaret asked the Council for approval to do the scope of work for increasing land use fees to recover more of the costs and authorization to move ahead with preparing a resolution to establish a pre-development conference fee. She said the City's Land Division Ordinance requires a pre-development conference and staff feels the City gets better applications as a result of the conferences. The conferences take a lot of staff time for research and meetings.

Ric pointed out that staff spends a lot of time on multiple conferences with people who use staff instead of engaging the services of a professional.

Thomas Cotter said he is not in favor of setting an arbitrary fee for pre-development conferences and would prefer to wait until after staff does the scope of work for all application fees. In response, Margaret Boutell said the fee could be adjusted after the analysis is done. Mayor Brooker said he doesn't see a problem with charging the suggested pre-development fee at this time because of the staff time involved.

MOTION: Darrell Carman made a motion to approve a pre-development conference fee in the amount of \$320.00. Marion Esty seconded the motion which passed with a vote of 3-1 (Thomas Cotter voting no).

MOTION: Mayor Brooker made a motion to direct staff to do the proposed land use fee analysis scope of work for increasing land use fees to recover the City's costs for processing applications, including a methodology. Marion Esty seconded the motion which passed with a vote of 4-0.

- (2) Establishing a fee for the S. W. Neighborhood plan

Margaret Boutell said the Southwest Neighborhood Plan and map was

adopted by reference as part of the Veneta Land Development Ordinance 417 adopted in 2000 as a result of periodic review. The City had a grant for the plan which was developed with a lot of input from a steering committee and the public. The current owners of the Southwest Neighborhood Center property would like to amend the plan. Their proposal meets the criteria for a major amendment. They have provided the City with a copy of a large new document and map which shows about 459 lots. One of the major differences between the original plan and the new proposed plan is where the wetlands have been delineated. Some of the issues that need to be evaluated by staff are the wetlands, park space, and stormwater.

Margaret explained to the Council that the City's fee schedule does not have a fee for amendments to the Specific Development Subzone; however, there is a section in the Land Development Ordinance that specifically states that the Council may set a fee. After the plan is amended the applicant will need to submit a land use application to subdivide or partition the property.

In response to a question about the difference between a specific development plan and a subdivision, Margaret said the plan addresses very general criteria whereas a subdivision requires an applicant to meet specific criteria.

Margaret proposed a fee in the amount of \$2,600.00 to cover an estimated amount of staff time to review the proposed amendments to the plan and suggested charging the standard public notice and engineering fees which requires developers to pay the actual costs incurred by the City with a \$300.00 deposit paid at the time the application is submitted. Margaret said it would be only fair for the City to notify everyone involved in the initial development of the plan.

In response to a question, Margaret said it is very difficult to say whether or not the estimated \$2,600.00 will cover all of the City's staff time to process the application. Darrell Carman said the project will benefit the entire City so he doesn't see the need to recover 100% of the costs.

MOTION: Thomas Cotter made a motion to approve a plan review fee in the amount of \$2,600.00 for a major amendment to the Southwest Neighborhood Center and deposits in the amount of \$300.00 to be applied towards the actual engineering and public review costs. Marion Esty seconded the motion which passed with a vote of 4-0.

(3) Water shut-off policy

Margaret Boutell presented the Council with some proposed policy changes prepared by staff at the direction of Council. The proposed changes include increasing the shut-off/on fee for non-payment to \$40.00, adding a fee of \$15.00 for delivery of door hangers, and for customers who have entered into payment agreements move directly to shut-off for delinquent payments. At the direction of the Council, staff has been advising customers of the

proposed changes. During the process of drafting the revisions, staff has discovered some ordinance amendments that should be made to be consistent with the new policies. The amendments would be to reduce the mailed late notice from two to one, add the door hanger as the second notice, and add clarification that once water is shut-off, the shut-off fee and delinquent portion of a bill has to be paid before service is restored. Staff feels a door hanger is a more effective second notice than a letter. The City currently issues between 60 and 70 door hangers each month and staff hopes the new policy will significantly reduce that number.

Staff would like direction to prepare a new resolution that includes a flat \$5.00 penalty for late payments rather than calculating a late fee by a percentage.

Margaret said the City will continue to work with customers who call the City to make arrangements to pay.

In response to a comment from Chuck Standiford that sewer is paid a month in advance, Darrell Carman said the late fee can be considered as a delinquent fee on the water portion of the bill.

MOTION: Thomas Cotter made a motion to direct staff to take the recommended actions and prepare an amending ordinance and resolution for the Council to consider at a future meeting. Marion Esty seconded the motion which passed with a unanimous vote of 4-0.

Ric said the purpose of the proposed amendments and increased charges is to discourage people from abusing the system. He said staff will continue to work with people needing help.

c. CITY ADMINISTRATOR

- (1) **Resolution 902** - A RESOLUTION CERTIFYING THAT THE CITY PROVIDES FOUR OR MORE MUNICIPAL SERVICES

MOTION: Thomas Cotter made a motion to adopt Resolution 902 certifying the City provides four or more municipal services. Marion Esty seconded the motion which passed with a vote of 4-0.

- (2) **Resolution 903** - A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

MOTION: Thomas Cotter made a motion to adopt Resolution 903 electing to receive state revenues. Marion Esty seconded the motion which passed with a vote of 4-0.

(3) Employee Handbook

The changes made by the City Attorney are indicated in bold and strike-over text. The changes clarify some of the language and bring the handbook up-to-date with the latest ORS requirements. Ric said staff has had 40 days to review the latest draft and has not provided any comments.

Ric said he has had some discussions with CIS about the dual coverage allowance given to employees who opt out of the City's health insurance plan and the number of hours an employee has to work before they are eligible for health insurance. The City is having some ongoing discussions with CIS which may affect Benefit Section XIII of the Employee Handbook.

Mayor Brooker said he would like the handbook adopted as soon as possible because it is a basic guide for more than just insurance. He said if the City is required to change the benefit section the handbook could be amended at a later date.

By consensus, the Council directed staff to prepare a resolution to adopt the Employee Handbook at the next meeting.

(4) Public Safety Contract

The Council previously gave tentative approval of the law enforcement contract subject to modifying the language to cover the use of office space by Parole and Probation. Ric provided the Council with a copy of the amended contract. He said the modified language is in section 2.h. on page 2 of the contract. He said the modified language allows the City to terminate the arrangement if it is not workable.

In response to a question, Ric said the City has budgeted for a half time sergeant; however, it is not reflected in the contract because the County doesn't have anyone else to take over Sgt. Trapp's supervision of marine patrol.

MOTION: Thomas Cotter made a motion to approve the contract between the Lane County Sheriff's Office and the City. Darrell Carman seconded the motion which passed with a unanimous vote of 4-0.

(5) Draft Social Gaming Ordinance and Resolution

The Council was provided with a draft social gaming ordinance prepared by City Attorney John Wolf. Ric explained that the ordinance has been kept very simple and will need an implementing resolution. If the Council reaches a consensus on the ordinance and a resolution, draft copies will be mailed to those who provided comments and it will come back to the Council for a first reading in July.

Ric said the issues to be decided on for the resolution are what kind of application and licensing fees should be charged. Ric suggested the fee be set at an amount that will allow businesses to be competitive with some of the

larger cities that do not charge a fee. He said the fee could be a flat fee or a sliding fee based on the number of tables.

Thomas Cotter and Darrell Carman felt there should be a flat fee. They felt the simpler the fee the easier it would be to enforce. Mayor Brooker and Marion Esty both felt the fee should be based on the number of tables beginning with one to three tables, three to six tables, and six or more. Thomas Cotter suggested a compromise by having only two fees with the first fee allowing up to five tables.

The Council directed staff to prepare a resolution that establishes a \$150.00 fee for one to five tables and a \$300.00 fee for any number of tables over five. The also decided that one time events should pay a \$25.00 non-refundable By consensus the Council chose not to establish a bet limit because it would be too difficult to enforce.

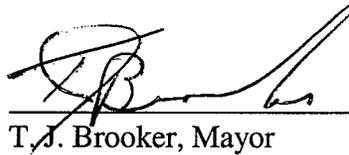
6. OTHER

Thomas Cotter said the City should hire a temporary person to clean up City owned property by cutting high grass and brush. He said a lot of ditches also need to be cleared. Margaret Boutell said property owners are still required to clear the right-of-ways adjacent to their property. Thomas Cotter pointed out that some of the City's property is the abutting property.

By consensus, the Council directed staff to hire a temporary employee to clean up City property.

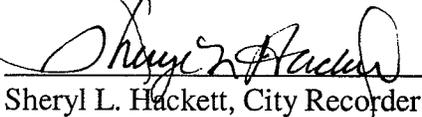
7. ADJOURN

Mayor Brooker adjourned the Veneta City Council at 10:08 p.m.



T. J. Brooker, Mayor

ATTEST:



Sheryl L. Hackett, City Recorder